

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action

United States District Court

SOUTHERN

DISTRICT OF NEW YORK

PLAINTIFF

SANOFI PASTEUR INC. f/k/a AVENTIS
PASTERU, INC. and Cargo Insurers

V. DEFENDANT AND THIRD PARTY PLAINTIFF
KUEHNE & NAGEL, INC.

THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER: 07Civ 6354 (Judge Jones)

V. THIRD PARTY DEFENDANT

SOUTHWEST AIRLINES CO.

TO: (Name and Address of Third Party Defendant)
Southwest Airlines Co.
c/o CT Corporation System
111 8th Avenue
New York, NY 10007

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

David L. Mazaroli, Esq.
11 Park Place, Suite 1214
New York, NY 10007

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Ernest H. Gelman, Esq.
350 Fifth Avenue, Suite 4908
New York, NY 10118

an answer to the third-party complaint which is herewith served upon you within _____ days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against *you* in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

J. MICHAEL McMAHON

JAN 17 2008

CLERK

DATE

(BY) DEPUTY CLERK

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CASE #: 07-CIV 6354

SANOFI PASTEUR, INC., ETC.

Plaintiff(s)/Petitioner(s)

against

KUEHNE & NAGEL, INC.

Defendant/Third-Party Plaintiff

against

SOUTHWEST AIRLINES CO.

Third-Party Defendant

State of NY

County of Albany SS

Kerry Gunner being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the state of New York.

That on 2/5/08 at 2:05 PM

at the office of the Secretary of State of the State of New York in the City of Albany, NY,
deponent served the within

THIRD-PARTY SUMMONS IN A CIVIL ACTION, THIRD-PARTY COMPLAINT

upon: **SOUTHWEST AIRLINES CO.**

defendant/respondent in this action by delivering and leaving with Chad Matice authorized agent in the office of the Secretary of State of the State of New York, One Commerce Plaza, Albany, NY, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00. That said service was made pursuant to section

306 of the Business Corporation Law

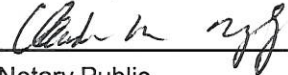
Deponent further says that the person so served was known as aforesaid to be an authorized agent in the office of the Secretary of State of The State of New York duly authorized to accept such service on behalf of said defendant/respondent.

Deponent further states that the person actually served is described as follows:

DESCRIPTION:

Sex	Skin Color	Hair Color	Approx. Age	Approx. Ht	Approx. Wt.	Other:
male	white	brown	21-24	5'11"-6'	190-210	glasses

Sworn to before me on: 2/6/2008


Notary Public


Kerry Gunner

Claudia M. Murphy
Notary Public, State of NY
No 01MU5016071
Qualified in Albany County
Commission expires 8/2/05

Kerry Gunner
Notary Public, State of NY
No 01GU5038710
Qualified in Albany County
Commission expires 2/6/2013

Jessica DeVoe
Notary Public, State of NY
No 01DE6042657
Qualified in Albany County
Commission Expires 5/30/10

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